

REMARKS

The Office Action mailed on December 16, 2005, has been reviewed and the comments of the Patent and Trademark Office have been considered. Prior to this paper, claims 1-7 were pending. By this paper, Applicant amends claims 1, 2 and 7, and adds claims 8-10. Therefore, claims 1-10 are now pending.

Support for the amendments to claims 1 and 7 may be found, among other places, at pages 5, line 22 to pages 6, line 4, and Fig. 3 of the original application. Support for the amendments to claim 2 may be found, among other places, at Fig. 3 of the original application. Support for new claims 8-10 may be found, among other places, at Figs. 3 and 5 of the application as originally filed.

Applicant respectfully submits that the present application is in condition for allowance for at least the reasons that follow.

Rejections Under 35 U.S.C. § 102

Claims 1-7 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hoeft (United States Patent No. 6,758,490), which teaches a conventional airbag apparatus having a single turned-back portion as detailed in the “BACKGROUND OF THE INVENTION” section of the specification. In response, in order to advance prosecution, and without prejudice or disclaimer, Applicant amends claims 1, 2 and 7 as detailed above, and respectfully submits that the above claims are allowable for at least the reasons that follow.

Applicant relies on MPEP § 2131, entitled “Anticipation – Application of 35 U.S.C. 102(a), (b), and (e),” which states that a “claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” It is respectfully submitted that Hoeft does not describe each and every element of any pending claim.

Claim 1, as amended, recites “a first turned-back portion extending from the upper end portion of the airbag to a side of the folded portion of the airbag facing the vehicle compartment” and “a second turned-back portion extending from a lower end of the first turned-back portion to a side of the folded portion facing the vehicle body.” An exemplary

embodiment of the invention of claim 1 may be seen in Fig. 3 of the specification, where the first turned-back portion “A” and a second turned-back portion “B” are depicted; points P2 and P3 on the airbag representing the points at which the bag is “turned-back.”

Hoeft does not teach, either expressly or inherently, a first and second turned-back portion as claimed. As noted above, Hoeft merely teaches a conventional airbag apparatus having a single turned-back portion as detailed in the “BACKGROUND OF THE INVENTION” section of Applicant’s specification. Indeed, Hoeft teaches the importance of utilizing a single folded airbag: it “will be appreciated that by utilizing a single fold and a single roll, the fold process is simplified” and “the fold configuration . . . includes fewer creases in the airbag curtain which reduces the likelihood of tear or puncture.” (Hoeft, col. 7, lines 18-24.) Thus, to the extent that a future allegation might be made that it would have been obvious to modify Hoeft, Hoeft specifically teaches away from such modification. Further, Applicant has recognized the drawbacks of the device according to Hoeft, as detailed in the “BACKGROUND” section, in that the device creates a resistance that increases when the folded portion of the bag of Hoeft is deployed which influences the speed and direction of the airbag as it inflates.

Moreover, the principle of operation between Hoeft and the present invention are different in that Hoeft utilizes only a single fulcrum during inflation of the airbag, while the present invention utilizes a double fulcrum during inflation of the airbag: it “will be appreciated that . . . the crease section 96 will act as a fulcrum upon inflation.” (Hoeft, col. 6, lines 17-22.) By providing two folds, the present invention provides for a double fulcrum upon inflation. As is specifically detailed in the present specification, the double fulcrum provides for stabilization of the direction of deployment of the air bag in a desired direction, such as, for example, between an interior member and a vehicle body. (*See, e.g.*, specification, pages 8-9, and Fig. 5.)

Method claim 7 is allowable for the pertinent reasons detailed above. Also, the claims that depend from claim 1, claims 2-6, are likewise allowable at least due to their dependency from an allowable claim.

New Claims

As seen above, Applicant has added new claims 8-10. These claims all recite a first turned-back portion and a second turned-back portion, and are thus allowable for at least the reasons that make claim 1 allowable, as detailed above.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extension fees to Deposit Account No. 19-0741.

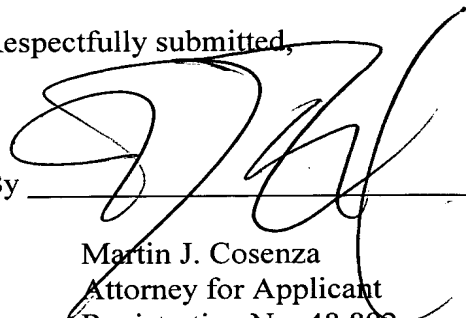
Examiner Fleming is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

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Respectfully submitted,

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